

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

SHANNON BELL, Jr.,	:	
	:	
Petitioner,	:	Civ. No. 23-23009 (RK)
	:	
v.	:	
	:	
UNITED STATES, et al.	:	<b>MEMORANDUM &amp; ORDER</b>
	:	
Respondents.	:	
	:	

Petitioner, Shannon Bell, Jr. (“Petitioner” or “Bell”), is a State of New Jersey pretrial detainee housed at the Trenton Psychiatric Hospital in West Trenton, New Jersey. Petitioner was previously detained at the Mercer County Correctional Center (“MCCC”). He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. *See* ECF No. 1. The Court administratively terminated this matter as Petitioner had not paid the \$5.00 filing fee nor had he applied to proceed *in forma pauperis*. *See* ECF No. 2. Petitioner has now applied to proceed *in forma pauperis*. *See* ECF No. 3. Thus, the Clerk shall be ordered to reopen this case.

The Court will grant Petitioner's application to proceed *in forma pauperis*. In accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b) of the Rules Governing Section 2254 Cases, the Court has screened the habeas petition for dismissal and determined that dismissal without a response is not warranted.

Petitioner names the United States and Mercer County as Respondents in this habeas action. However, the proper respondent is the custodian of Petitioner. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Accordingly, the Clerk shall add the warden of MCCC as well as the administrator of the Trenton Psychiatric Hospital as Respondents and terminate the United States and Mercer County as named Respondents.

Therefore, IT IS on this 29 day of January, 2024,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that Petitioner's application to proceed *in forma pauperis*, ECF No. 3, is granted; and it is further

ORDERED that the Clerk shall add the warden of MCCC and the administrator of the Trenton Psychiatric Hospital as named Respondents in this action and shall terminate the United States and Mercer County as named Respondents; and it is further

ORDERED that the Clerk shall serve a copy of the habeas petition, ECF No. 1, and this memorandum and order on the two newly added named Respondents by regular U.S. mail and on the New Jersey Attorney General's Office by certified mail, with all costs of service advanced by the United States; and it is further

ORDERED that within forty-five (45) days of the date of the entry of this memorandum and order, Respondents shall file and serve a response which responds to the allegations and grounds in the habeas petition which includes all affirmative defenses Respondents seek to invoke; and it is further

ORDERED that Respondents shall file and serve with the response certified copies of all documents necessary to resolve Petitioner's claims and any affirmative defenses; and it is further

ORDERED that within forty-five (45) days of receipt of the response, Petitioner may file a reply to Respondents' response; and it is further

ORDERED that within seven (7) days of Petitioner's release, be it parole or otherwise, Respondents shall electronically file a written notice of the same with the Clerk; and it is further

ORDERED that the Clerk shall serve this memorandum and order on Petitioner by regular U.S. mail.

  

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ROBERT KIRSCH  
United States District Judge